REMARKS

Claims 1-12 have been examined. Claims 1-7 have been rejected under 35 U.S.C. § 112,

first paragraph, and claims 1-12 have been rejected under 35 U.S.C. § 103(a).

I.   Statement of the Substance of Examiner Interview

Applicants would like to thank Examiner Bengzon for the courtesies extended during the

personal interview conducted on December 14, 2006. The Agenda for Examiner Interview,

which Applicants' attorney submitted to the Examiner on December 14, 2006, and the arguments

presented in this Amendment summarize the arguments discussed during the interview.

II.   Rejection under 35 U.S.C. § 112, first paragraph

Claims 1-7 have been rejected under 35 U.S.C. § 112, first paragraph, because the claims

allegedly contain features that the specification does not support. Applicants submit that the

amendments to claim 1 overcome the rejection.

III.   Rejection under 35 U.S.C. § 103(a) over EP 0 943 895 to Ashby et al. ("Ashby"), U.S. Patent No. 6,473,790 to Tagi ("Tagi"), and U.S. Patent No. 6,421,610 to Carroll ("Carroll")

Claims 1-12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over

Ashby, Tagi, and Carroll.

A.   One of ordinary skill in the art would not have been motivated to combine the teachings of the cited references

Applicants submit that claims 1-12 are patentable over the references because one skilled

in the art would not have been motivated to combine the teachings of Ashby and Carroll because

such a combination would destroy the intended operation of Ashby.

1.   Disclosure of Ashby

One of the main objectives of the system disclosed in Ashby is to store geographic data in a very particular way to enhance the speed, functionality, and performance of the system. (Column 7, line 50, to column 8, line 5). In particular, as shown in Fig. 5, the data base 40 stores subsets of geographic data according to the functions that the navigation application program can perform. (Column 10, lines 3-7).

For example, as shown in Fig. 5 of the reference, a data base 40 contains a cartographic data file 137 and a maneuver data or route guidance file 138. The cartographic data file 137 contains only the data necessary for performing a map display function, and the maneuver data or route guidance file 136 contains only the data necessary for performing a route guidance function. (Column 10, lines 9-30 and 52-55). Furthermore, the reference discloses that these files overlap each other. (Column 10, lines 12-35; column 11, lines 3-5).

For example, with reference to an illustrative embodiment of the present application, a map display function (corresponding to the cartographic data file 137) likely comprises the functions of (1) displaying roads on a map, (2) displaying a background of the map, and (3) displaying notes or comments on the map. (Page 18, line 20, to page 19, line 5, of the present application). On the other hand, a route guidance function (corresponding to the maneuver data or route guidance file 138) likely comprises the functions of (1) displaying roads, (2) displaying a guidance route that guides a user to a destination, (3) displaying a background of the map, and (4) displaying the notes or comments. As shown above, both the map display function and the

route guidance function perform the functions of (1) displaying roads, (2) displaying a

background, and (3) displaying notes or comments on a map.

Also, the cartographic data file 137 contains only the data needed to perform the various

functions for the map display function, and the maneuver or route guidance data file 138 contains

only the data needed to perform the various functions for the route guidance function. (Column

10, lines 17-31). As such, if the overlapping data (and hence the corresponding overlapping

functions) are eliminated from the file 137, it would not have all of the data that the navigation

application program needs to perform the various functions for the map display function.

Similarly, if the overlapping data (and hence the corresponding overlapping functions) are

eliminated from the file 138, the navigation application program would not have all of the data

that it needs to perform the route calculation function.

2.   Disclosure of Carroll

Carroll relates to a method that creates a digital image of a large geographic area by

taking multiple pictures of adjacent portions of the area. (Column 3, line 66, to column 4, line

13). Furthermore, an inherent problem with such a technique is that a first picture of a first

portion of the area captures things located in a second, adjacent portion of the area. Also, a

second picture of the second, adjacent portion of the area captures things located in the first area.

(Column 2, lines 30-54). Thus, before creating the final digital image of the entire geographical

area, the images of the various portions of the area are subjected to a mosaicing procedure in

which pictures of adjacent portions are aligned in a continuous, nearly seamless manner so that

the adjacent portions do not overlap with each other. (Column 4, line 62, to column 5, line 25).

3.   One skilled in the art would not have been motivated to combine the

teachings of Ashby and Carroll as the Examiner proposes

As noted above, in Ashby, while the file 137 is used to perform a map display function

and the file 138 is used to perform a route calculation function, the disclosed system intentionally

stores overlapping data in each of the data files 137 and 138 because the map display function

performs functions that overlap with functions that are performed during the route calculation

function. On the other hand, Carroll eliminates overlapping portions of pictures of adjacent

geographical areas so that a seemless image of an entire geographical image can be created. If

one relied on the teachings of Carroll to eliminate the overlapping data (and the corresponding

overlapping functions) from the data files 136-138 of Ashby, Ashby's navigation application

program would not be able to access some of the necessary data for performing the functions

corresponding to each of the files 136-138 and would not operate properly. As such, one skilled

in the art would not have been motivated to combine the references. *See, e.g.*, M.P.E.P. §

2143.01; *In re Gordon*, 221 U.S.P.Q. 1125 (Fed. Cir. 1984).

In light of the discussion above, we believe that claims 1-12 are patentable over Ashby,

Tagi, and Carroll.

B.   Assuming that the teachings of the references are combinable, the combined

teachings do not suggest all of the features of the claims

Even assuming *arguendo* that one skilled in the art would have been motivated to

combine the teachings of Ashby, Carroll, and Tagi, Applicants submit that the combined

teachings do not suggest all of the features recited in the claims.

1.   Claim 1

For example, claim 1 states that each of a plurality of data files is classified by type of

each data file and is further classified by function of each data file, and the plurality of data files

respectively relate to functions that do not overlap with each other. Furthermore, a data

distribution means selects, from among the plurality of data files, only data files that are

necessary to constitute distributed data, combines the selected data files into distributed data, and

distributes the distributed data.

As noted above, in Ashby, each of the plurality of data files 137 and 138 contains data for

the same functions (*e.g.*, a road displaying function, a background displaying function, and a

notes or comments displaying function). Thus, the files 137 and 138 correspond to functions that

overlap with each other.

Also, Carroll merely relates to a method of creating a final digital image of an entire

geographical area by aligning pictures of adjacent portions in a continuous, nearly seamless

manner so that adjacent portions of the area do not overlap with each other. Thus, Carroll clearly

does not suggest a plurality of data files which respectively relate to functions that do not overlap

each other.

In addition, Carroll discloses that, for each of the portions of the geographical area, one

may take a first picture corresponding to an infrared image of the portion and may take a second

picture corresponding to a near infrared image of the same portion. By taking infrared and near

infrared images of the same portion, one can determine the crop health, or vigor of folial growth,

based on a ratio of the reflected infrared light to the reflected near infrared light for the same

portion. (Column 1, lines 52-67). Since this method takes both infrared and near infrared images for each of a plurality of portions of the entire geographical area to determine the crop health in each of the portions, this aspect of the reference clearly does not suggest a plurality of data files respectively corresponding to functions that do not overlap with each other.

Since Ashby and Carroll do not suggest the plurality of data files recited in claim 1, and since Tagi does not cure the deficient teachings of Ashby and Carroll with respect to claim 1, Applicants submit that claim 1 is patentable.

2.   Claims 2-7

Since claims 2-7 depend upon claim 1, Applicants submit that they are patentable at least by virtue of their dependency.

3.   Claim 8

Since claim 8 contains features that are analogous to the features recited in claim 1, Applicants submit that claim 8 is patentable for analogous reasons.

4.   Claims 9-12

Since claims 9-12 depend upon claim 8, Applicants submit that they are patentable at least by virtue of their dependency.

IV.   Newly added claims

Applicants have added new claims 13-18. Since new claims 13-16 depend upon claim 1 or 8, Applicants submit that they are patentable at least by virtue of their dependency.

Also, claims 17 and 18 state that data files are <u>selected</u> and that the selected data files are <u>combined</u> into distributed data, <u>in response to a request from a user terminal</u>. Since the cited

references (alone or in combination) do not suggest these features, Applicants submit that claims

17 and 18 are patentable for at least this reason.

V.   Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

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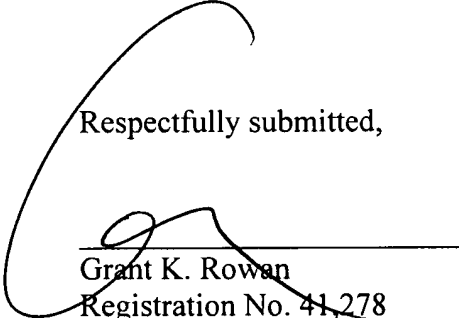
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Respectfully submitted,

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